



07R-55

Introduce: 2-26-07

RESOLUTION NO. A- 84269

1 WHEREAS, the number of cable television customer complaints to the City has
2 increased significantly since Time Warner Cable's decision to change its channel guide
3 and DVR software last fall, dropping the contracted-for Passport service in favor of the
4 company-created Navigator; and

5 WHEREAS, Time Warner Cable has not over the last several months been able
6 to correct many of the technical difficulties with the Navigator service nor has it provided
7 customers with any price reductions for the widespread failures and malfunctions; and

8 WHEREAS, Time Warner Cable is using Lincoln customers as test subjects for
9 poorly engineered and poorly tested software; and

10 WHEREAS, Section 4.5 of the City's Cable Television Franchise Agreement with
11 Time Warner Cable allows the City to hold Performance Evaluations; and

12 WHEREAS, the City has not yet held a Performance Evaluation related to the
13 current cable television franchise.

14 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
15 Lincoln, Nebraska:

16 1. That a Performance Evaluation pursuant to Section 4.5 of the Cable
17 Television Franchise Agreement be conducted by the Cable Television Advisory Board
18 as soon as that Board can schedule such evaluation.

19 2. That the City Law Department review the performance of Time Warner
20 Cable related to any possible franchise violations, FCC violations, or any other
21 regulatory infraction.

1 3. That the topics for the Performance Evaluation by the Cable Television
2 Advisory Board shall include an examination of:

- 3 a) the introduction of the Navigator service,
4 b) the current status of the Navigator service,
5 c) the efforts undertaken by Time Warner Cable to resolve the
6 customer complaints related to the Navigator service,
7 d) what should be done to fairly compensate customers for service
8 failures, and
9 e) any other technical or customer service issue as determined by the
10 Cable Television Advisory Board.

11 4. That upon completion of the evaluation by the Cable Television Advisory
12 Board and the review by the City Law Department, a report shall be made to the City
13 Council of the findings of such evaluation and review, along with any recommendations.

14 3/7 5. That the City Clerk is directed to send a copy of this Resolution to
15 Elizabeth Scarborough, President-Nebraska Division, Time Warner Entertainment -
16 Advance/Newhouse Partnership, 5400 South 16th Street, Lincoln, Nebraska 68512.

Introduced by:

Jonathan Cook

AYES: Cook, Marvin, McRoy,
Newman; NAYS: Camp,
Eschliman, Svoboda.

Approved as to Form & Legality:

Dana W. Roper
City Attorney

ADOPTED
MAR 05 2007
BY CITY COUNCIL

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Approved this 7th day of March, 2007:

Colleen J. Seery
Mayor